IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1887 OF 2004

Nagesh Rama Pawar ...Petitoner

V/s.

The State of Maharashtra ...Respondent

Smt.Racheeta R. Dhuru for the Petitioner.
Ms. M.M. Deshmukh A.P.P.for the Respondent.

CORAM : A.S. OKA, J.
DATED : JULY 07, 2005.

P.C.:

1. Heard the Counsel appearing for the parties. The Application for furlough leave made by the Petitoner has been rejected. The rejection is by the order dated 18th June, 2004 passed by the Deputy Inspector General of Prisons, Western Region. The rejection is on the ground that the surety offered by the Petitioner is no longer willing to act as a surety and the police report is adverse.

2. The police report discloses that the relatives of the deceased who was the victim of the offence are residing at Kolhapur. The report further discloses that the surety offered by the Petitioner of his wife cannot be accepted as the Petitioner’s wife declined to act as a surety.

3. The Application made by the Petitioner through Jail discloses that the Petitioner proposes to avail

of furlough leave by staying at Hadpsar in Pune district. He has stated that he is willing to offer surety of his daughter. In view of this statement, the Application for furlough leave made by the Applicant deserves to be considered afresh by taking into consideration surety of the daughter of the Petitioner which is offered now.

4. It is made clear that the Application for furlough leave cannot be rejected on the ground of the adverse police report which is placed on record. Hence, I pass the following order:

: O R D E R :

i) The impugned order dated 18th June, 2004 is quashed and set aside and the concerned authority will consider the application for furlough leave filed by the Petitioner afresh within a period of eight weeks from today in the light of the observations made by this Court.

ii) Copy of this order be forwarded to the Petitioner.

JUDGE